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TRANSPARENCY, ACCOUNTABILITY, AND ENGAGEMENT: A RECIPE FOR BUILDING TRUST IN POLICING

by

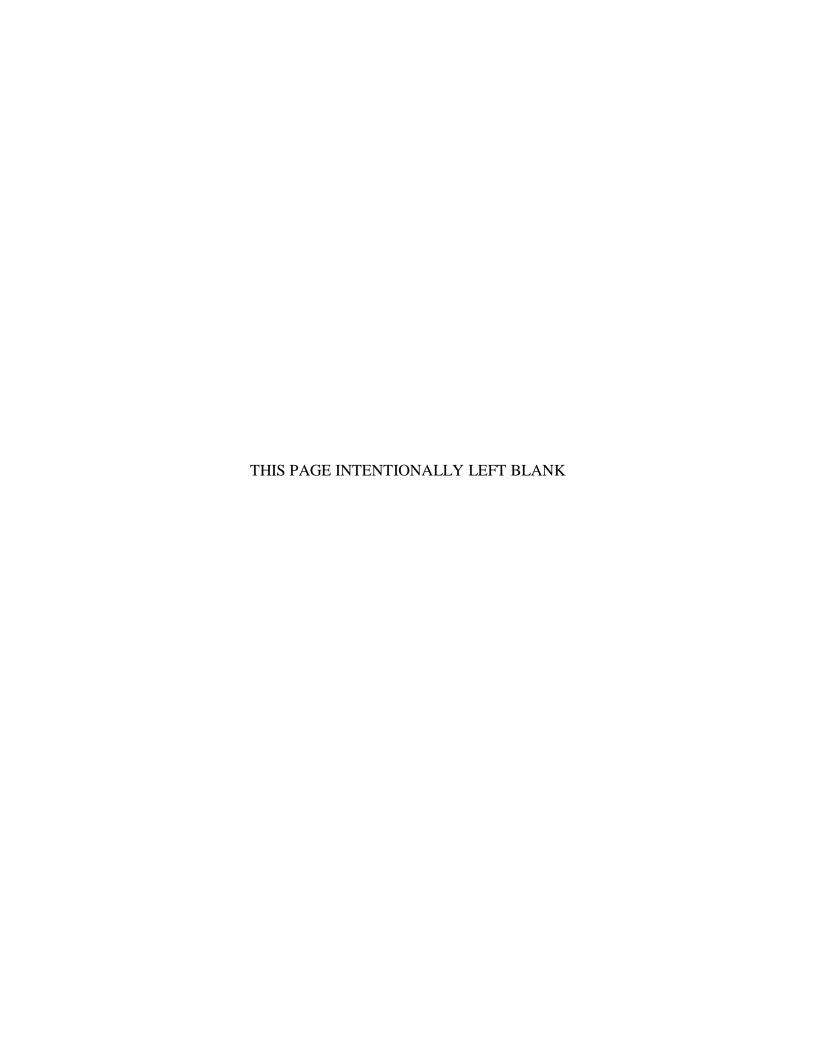Kathleen M. O'Reilly

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Police departments across the nation are challenged to reduce crime, improve quality of life, and, with diminished resources, face the increased threats to homeland security. Many have struggled to find the right balance between keeping communities safe, while at the same time having transparent and effective counterterrorism strategies. This thesis examines the role race plays in policing and the criminal justice system. A comparative analysis was conducted of the New York Police Department's community policing and counterterrorism strategies and that of the United Kingdom's counterpart, the Metropolitan Police Service. The research focuses on how important police legitimacy and transparency are to gaining the trust of the community at large. It also examines how technology and social media can assist in building trust and enhancing accountability. The research concludes with four recommendations, which, if implemented, will move the NYPD toward a more balanced counterterrorism strategy that actively engages with the community it serves.

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TRANSPARENCY, ACCOUNTABILITY, AND ENGAGEMENT: A RECIPE
FOR BUILDING TRUST IN POLICING

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ABSTRACT

Police departments across the nation are challenged to reduce crime, improve quality of life, and, with diminished resources, face the increased threats to homeland security. Many have struggled to find the right balance between keeping communities safe, while at the same time having transparent and effective counterterrorism strategies. This thesis examines the role race plays in policing and the criminal justice system. A comparative analysis was conducted of the New York Police Department's community policing and counterterrorism strategies and that of the United Kingdom's counterpart, the Metropolitan Police Service. The research focused on how important police legitimacy and transparency are to gaining the trust of the community at large. It also examined how technology and social media can assist in building trust and enhancing accountability. The research concludes with four recommendations, which, if implemented, will move the NYPD toward a more balanced counterterrorism strategy that actively engages with the community it serves.

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LIST OF ACRONYMS AND ABBREVIATIONS

BWC   body-worn camera

CPOP   Community Police Office Program (NYPD)

CRC   Critical Response Command (NYPD)

CRV   Critical Response Vehicle

DAS   Domain Awareness System

DCSC   Deputy Commissioner of Strategic Communication (NYPD)

IDG   independent advisory group

MCO   Muslim coordination officer

MPS   Metropolitan Police Service

NCO   neighborhood coordination officer

NPT   Neighborhood Police Teams (NYPD)

NYPD   New York City Police Department

SCU   Street Crime Unit

UMOS   uniformed members of the service

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EXECUTIVE SUMMARY

This research focuses on the challenges facing police today, with agencies being asked to stretch their finite resources to address an ever-increasing threat to homeland security. In New York City, the requisite shift in manpower and resources to necessary counterterrorism efforts resulted in a shift in the New York City Police Department's (NYPD) crime and control strategy. The successful year-over-year reduction in crime in NYC is impressive, as is the department's ability to thwart any further substantial terrorist attacks since 9/11. The research, however, found that the NYPD's proactive strategies following 9/11 resulted in many residents questioning the legitimacy and transparency of its practices, especially those residing in minority communities.

A historical analysis of the NYPD found that an informal community-policing model was emerging up until the 9/11 attacks. Literally overnight, the NYPD was forced to shift priorities and adapt to the newly emerged homeland security threat. Although, by many accounts, its counterterrorism and crime control strategies have been largely successful, the NYPD can profit from looking at best practices. With this in mind, the research examined the counterterrorism policies in the United Kingdom and found that the NYPD can benefit from emulating its English counterpart's substantial efforts in community outreach and collaboration, especially within minority communities where mistrust and terrorism is most likely to breed.

It is recommended that the NYPD increase its community policing efforts by devoting more resources to community-based initiatives and formalizing department policy so that there is a clear-cut community-based policing model. These efforts will not only improve traditional crime-fighting efforts, but lead to greater public perception of police legitimacy. Muslim communities can also benefit from a Muslim Coordination Officer to facilitate community building and enhance police trust. It is furthermore recommended that the NYPD increase transparency and accountability by embracing new technology. Most importantly, the NYPD should prioritize the department-wide implementation of body-worn cameras and initiate a more robust social media policy.

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I.   INTRODUCTION

On July 17, 2014, a 43-year-old African-American man named Eric Garner was approached by plainclothes police officers from the New York City Police Department (NYPD) on a Staten Island street. Garner was accused of selling "loosies" (untaxed cigarettes), a violation of New York State law. Part of the incident was captured on a bystander's cell-phone video. Garner could be heard saying, "Every time you see me, you want to harass me. You want to stop me selling cigarettes. I'm minding my business, officer; I'm minding my business. Please just leave me alone. I told you the last time, please just leave me alone."[1] When a plainclothes officer approached him from behind in an attempt to handcuff him, the 6'2", 395-pound Garner resisted by flailing his arms. The video shows the same officer placing his arm around Garner's neck, pulling him to the ground, and struggling to handcuff him. The video then shows a handcuffed Garner lying face down on the sidewalk as he is heard stating, "I can't breathe," eleven times.[2] At no point does the video show either the police officers or the two responding medics administer medical aid. Eventually, Garner is placed on a stretcher and brought to Richmond University Medical Center. An hour later, the father of six children was pronounced dead.

This deadly encounter—coupled with the police shooting death of Michael Brown, an unarmed black teenager, on August 9, 2014, in Ferguson, Missouri—sparked anti-police protests throughout the country. In both incidents, the grand jury did not indict the officers involved, prompting further protests. In New York City, tensions were high as thousands marched through the street chanting, "How do you spell NYPD? KKK."

Another chant that sent chills through my spine was, "What do we want? Dead cops! When do we want them? Now!" This hateful rhetoric preceded the assassination of two NYPD officers, Wenjian Liu and Rafael Ramos. Before going on his deadly mission,

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[1] Al Baker, J. David Goodman, and Benjamin Mueller, "Beyond the Chokehold: The Path to Eric Garner's Death," *New York Times*, June 13, 2015, http://www.nytimes.com/2015/06/14/nyregion/eric-garner-police-chokehold-staten-island.html.

[2] Ibid.

the killer referenced the deaths of Garner and Brown on his Instagram page. He also wrote: "I'm Putting Wings on Pigs Today," and "They Take 1 Of Ours . . . Let's Take 2 of Theirs."[3] As a 25-year veteran of the NYPD, I had never before experienced such extreme hostility from the very community I and my fellow officers are sworn to protect.

A.   RESEARCH QUESTION

To be effective, police must have the trust and respect of the communities they serve. In 2014, massive protests occurred all over the United States in response to the tragic circumstances behind the deaths of Michael Brown and Eric Garner—at the hands of police. These events and the ensuing protests had an adverse effect on the relationship between the police and the communities they serve, affecting mutual trust and accountability.

This thesis asks: What can be done in New York City to enhance trust between the minority communities and the police? Specifically, with finite resources, how can the NYPD effectively counter-balance the resources dedicated to traditional counterterrorism operations with those dedicated to community policing? The intent of this research is to develop a framework to improve police–community relations, with practical recommendations at the policy level.

B.   PROBLEM STATEMENT

Over the past 25 years, the NYPD has experienced record crime reductions across the board.[4] This achievement is widely considered a result of strategies involving community-oriented initiatives and quality-of-life policing. Since the 1980s, community policing has been the accepted avenue toward improving the relationship between the community and the police.[5] It marked a departure from the traditional paramilitary

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[3] Larry Celona et al., "Gunman Executes 2 NYPD Officers in Garner 'Revenge," *New York Post*, December 20, 2014.

[4] William J. Bratton, "State of the NYPD," in *The Police Commissioner's Report* (New York: New York City Policy Department [NYPD], January 2016), 74.

[5] Veena Dubal, "The Demise of Community Policing? The Impact of Post-9/11 Federal Surveillance Programs on Local Law Enforcement," *Asian American Law Journal* 19: 35–36, www.academia.edu/ 25118502/The_Demise_of_Community_Policing_The_Impact_of_Post-9_11_Federal_Surveillance_ Programs_on_Local_Law_Enforcement.

organizational structure toward a greater emphasis on building trust with the communities to more effectively address the persistent problems of crime and disorder.[6]

Following the events of September 11, 2001—and in the face of the ongoing terrorist threats to national security—policing in New York took on the added challenge of homeland security. The NYPD built robust counterterrorism and intelligence bureaus staffed by more than 1,000 uniformed members of the service (UMOS). The department's strategy includes numerous teams of Emergency Service Unit officers who are armed with heavy weapons.[7] In an instant, they can be impressively and rapidly deployed, along with marked patrol cars from each of the city's seventy-seven precincts, and strategically positioned around the city's critical infrastructure, such as bridges and transportation hubs, and various landmarks.[8]

The new emphasis on homeland security shifted the department's priorities, with the resulting reduction of community policing efforts. Unfortunately, this move resulted in diminished community relationships, particularly in minority communities. As an example, in an effort to combat terrorism following the 9/11 attacks, the NYPD created a Demographics Unit. This unit was primarily tasked with the surveillance of Muslim communities. Its overt and covert operations fueled distrust of the police department within Muslim and minority communities. In April 2014, the unit was disbanded by then-Police Commissioner William Bratton, who intended "to try to heal rifts between the Police Department and minority communities that have felt alienated as a result of policies pursued during the Bloomberg administration."[9]

Building trust between the police and the communities they serve is essential to keeping any city safe from crime, disorder, and terrorism. In New York City, the costs associated with the post-Garner and -Brown protests, subsequent enhanced training, and

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[6] Ibid.

[7] "Counterterrorism," NYPD, accessed June 3, 2017, http://www1.nyc.gov/site/nypd/bureaus/investigative/counterterrorism.page.

[8] Ibid.

[9] Matt Apuzzo and Joseph Goldstein, "New York Drops Unit That Spied on Muslims," *New York Times*, April 15, 2014, http://www.nytimes.com/2014/04/16/nyregion/police-unit-that-spied-on-muslims-is-disbanded.html.

new technology have topped $300 million.[10] Millions more have been spent across the country policing the "occupy" movement that protested social and economic inequality, as well as anti-police riots in Ferguson and Baltimore.[11] Successful law enforcement requires an understanding of how officers are perceived by minority communities and how their actions and everyday encounters affect the neighborhoods they serve.

In order to remain effective, the NYPD must commit to train and equip its officers with the necessary resources. To quote Professor Clayton Christensen of Harvard Business School: "Three classes of factors affect what an organization can and cannot do: its resources, its processes, and its values."[12] The NYPD must have processes and values in place to ensure consistent transparency, including developing an open dialogue with minorities and cultivating collaborative relationships in which all parties share a vested interest in maintaining a safe city, free from crime, disorder, and terror.

C.   LITERATURE REVIEW

The body of literature provides a clear historical perspective of police practice in the NYPD. In analyzing what can be done to build trust between minorities and police, this research begins with the foundation of policing in America, leading up to the current homeland security era.[13]

Police agencies within the United Kingdom provide a telling comparison of counterterrorism policies. In the aftermath of the 9/11 attacks, the NYPD made a clear shift in policing—a move away from community policing to focus on the rising terror threat—whereas the United Kingdom made community policing a focal point in its

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[10] Chris Smith, "After the Killings, Bill de Blasio and Bill Bratton Now Have the Most Critical Relationship in New York," *New York Magazine*, December 23, 2014, http://nymag.com/daily/intelligencer/2014/12/bratton-de-blasio-after-killings.html#; Tatiana Schlossberg, "New York City Police to be Equipped with Smartphones and Tablets," *New York Times*, October 24, 2014, www.nytimes.com/2014/10/24/nyregion/new-york-city-police-to-be-equipped-with-smartphones-and-tablets.html?_r=0.

[11] Susanna Kim, "Occupy Protests across the Country Take Toll on City Budgets," ABC News, November 18, 2011, http://abcnews.go.com/US/man-charged-shooting-death-good-samaritan-due-court/story?id=36501282.

[12] Clayton M. Christensen, *The Innovator's Dilemma: When New Technologies Cause Great Firms to Fail* (Brighton, MA: Harvard Business Review Press, 1997).

[13] Willard M. Oliver, "The Fourth Era of Policing: Homeland Security," *International Review of Law, Computers & Technology* 20, no. 1–2 (2006): 53, doi: 10.1080/13600860600579696.

counterterrorism strategy. In this literature review, the author conducts a comparative analysis of how the NYPD and the United Kingdom police minority communities, with a focus on the City of London Police and the Metropolitan Police Service. Police legitimacy remains key in gaining community trust in policing—as does a clear understanding of the racial disparities in enforcement of laws and regulations, including but not limited to traffic stops and other police actions. The final segment of the literature review examines how new technology can help build trust, accountability, and transparency.

### 1.	Foundations of Policing in America

The role of police within the United States has been forged over time. With this in mind, any attempt to describe the police and their function must begin with an analysis of their historical development.[14] American policing was loosely patterned after Sir Robert Peel's development of the London Metropolitan Police, established in 1829. In organization and administrative structure, he developed it from the military model. He ensured, however, that there was a clear distinction between the police and the military—most notably, Peel's eponymous "bobbies" were unarmed, save for a nightstick, for most of the force's history. Peel's principles embraced policing by consent. His philosophy was that "police are the people, people are the police," and heavy intrusion is not necessary.[15] Historian M.A. Lewis states, "Many American police departments champion the same tenets that originated with Peel."[16]

Professional policing began to emerge in the United States in the 1840s and 1850s.[17] Examining the evolution of policing in America will help identify the complex issues that are addressed on a daily basis by police forces across the country, who protect life and property in the face of an increasing terrorist threat to homeland and national

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[14] Steven G. Brandl and David E. Barlow, *The Police in America: Classic and Contemporary Readings* (Belmont, CA: Thomson Wadsworth, 2004), 1.

[15] M.A. Lewis, "Perspective: Peel's Legacy," *FBI Law Enforcement Bulletin* 80, no. 12 (December 2011): 8–11, https://leb.fbi.gov/2011/december/perspective-peels-legacy.

[16] Ibid.

[17] Michael D. White, *Current Issues and Controversies in Policing* (Upper Saddle River, NJ: Prentice Hall, 2007), 1.

security. In "The Evolving Strategy of Policing," Professors George Kelling and Mark Moore broke down police history into three time periods: "the political era," "the reform era," and "the community problem-solving era."[18] Historically, early policing in the United States was described as political and corrupt, with various interest groups seeking to govern the police.[19] The political era in American policing occurred from 1840 through the 1930s. During this time period, police often resided in the neighborhoods they patrolled.[20] This closely intertwined relationship and decentralized approach, characterized by a lack of overall supervision, gave rise to corruption by promoting political favoritism and nepotism. As author Dennis J. Stevens points out, "The circumvention of Prohibition, fueled by organized crime, is one example of how abuses of political authority were produced by the link between politics and police."[21]

In 1931, President Hoover charged the National Commission on Law Observance and Enforcement with investigating the politicization of the policing function. The Commission blamed both the police and politicians for corruption and incompetence, and encouraged reform.[22] Moving forward, the reform era of policing, between the 1930s and 1970s, brought law and professionalism, as well as a more centralized structure for crime fighting.

Crime and disorder in the 1960s and 1970s generated volatility.[23] There was a distancing between the police and their citizens. This development led to the third era of policing—the "community era"—and the "realization that in order for police to effectively perform their job, they needed the assistance of the citizenry."[24] This third era

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[18] George L. Kelling and Mark H. Moore, "The Evolving Strategy of Policing," *Perspectives on Policing* 4 (November 1988): 1–15.

[19] Robert M. Fogelson, *Big-City Police* (Cambridge, MA: Harvard University Press, 1977); Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington, MA: Lexington Books, 1977).

[20] Brandl and Barlow, *Police in America*, 31.

[21] Dennis J. Stevens, *An Introduction to American Policing* (Sudbury, MA: Jones and Bartlett, 2009), 55.

[22] Ibid.

[23] Brandl and Barlow, *Police in America*, 17.

[24] Mark H. Moore and George L. Kelling, "To Serve and Protect: Learning From Police History," *Public Interest* 70 (1983): 49–65.

focused on community problem solving; community and political support were coupled with police professionalism in the hope of reducing crime and disorder while improving the community's perception of the police.[25] The function of the police became broad and far reaching: the relationship with the environment was intimate, foot patrols and crime control strategies were developed, and the problem-solving approach to policing took hold. This collaboration between police and the public drastically improved trust levels; with community members being more willing to work with investigators, arrest and conviction rates increased.[26]

More recently, some have written about a fourth era: the homeland security era, in which police are responsible for national/international threats, law, and professionalism. This era is driven by the events of 9/11 and the ongoing threat to national and international security.[27] In addition to the traditional crime-control functions, police agencies now devote tremendous amounts of resources into counterterrorism and intelligence-gathering efforts. The outcome for this evolving era is citizen safety, crime control, and counterterrorism effects.[28]

2.   Community Policing in America

Since the early 1980s, community policing has been widely embraced as the remedy to poor police–community relations.[29] As the early founder of problem-oriented policing, Professor Herman Goldstein proposed a radical departure from traditional policing.[30] He recognized that policing needed to move away from its rigid approach to a more considerate practical solution. Professors Robert Trojanowicz and Bonnie Buquerox labeled community policing as the "first major reform in policing since police

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[25] Oliver, "Fourth Era of Policing," 53.

[26] Kelling and Moore, "Evolving Strategy of Policing," 57.

[27] Oliver, "Fourth Era of Policing," 53.

[28] Ibid., 54.

[29] Dubal, "Demise of Community Policing."

[30] Herman Goldstein, *Problem Oriented Policing* (New York: McGraw-Hill, 1990), 11.

departments embraced scientific management principles more than a century ago."[31] It was a move away from traditional, incident-driven policing to encourage a hands-on, practical approach to counter crime and disorder.[32] Community policing was designed to bring the community and police together to affect desired change collaboratively.

Despite hundreds of books, journals, and articles that examine community policing, there remains no clear definition of the term or the approach. As Harry W. Moore notes, "Community policing varies considerably from department to department."[33] Broadly, most researchers and practitioners concur that community policing embraces proactive problem solving and collaboration with the community to address identified concerns of crime and disorder.

The U.S. Department of Justice Office of Community-Orientated Policing Services defines community policing "as a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime."[34] Researchers Trojanowicz and Carter define community policing as a philosophy that supports a "proactive, decentralized approach, designed to reduce crime, disorder, and by extension, fear of crime, by intensely involving the same officer in the same community on a long-term basis"; the goal is for officers to develop trust with residents so they can provide "assistance to achieve those three crucial goals."[35]

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[31] Robert Trojanowicz and Bonnie Bucqueroux, *Community Policing: A Contemporary Perspective* (Cincinnati, OH: Anderson, 1990), 3.

[32] Ken Peak and Emmanuel P. Barthe, "Community Policing and CompStat: Merged, or Mutually Exclusive?," *The Police Chief* LXXVI, no. 12 (December 2009).

[33] Harry W. More, *Current Issues in American Law Enforcement: Controversies and Solutions* (Springfield, IL: Charles C. Thomas, 2008), 39.

[34] Community Oriented Policing Services (COPS), *Community Policing Defined* (Washington, DC: U.S. Department of Justice, 2012), http://ric-zai-inc.com/Publications/cops-p157-pub.pdf.

[35] Robert C. Trojanowicz and David Carter, *The Philosophy and Role of Community Policing* (East Lansing: Michigan State University, 1988), http://msucj.bcpdev.com/assets/Outreach-NCCP-GB14.pdf.

Kelling and Coles describe six fundamental tenets of community policing. "The first is belief in a broad policing function" beyond fighting crime and law enforcement.[36] Second, they acknowledge that police rely on citizens in several ways, "for authority to police neighborhoods, for information about the nature of neighborhood problems, and for collaboration in solving problems."[37] Third, community policing recognizes that police work is complex. Fourth, it avoids traditional police tactics, like "preventative patrol and rapid response to calls for service, in favor of specific tactics, targeted on particular problems."[38] These problems are identified through partnerships formed with the community, and governmental and private-sector agencies. Fifth, "authority must be devolved to lower levels of the police organization."[39] Police officers ought to be assigned to steady beats so they become familiar with their community and its needs. Finally, police have broad functions: "the broadest goal is to help communities maintain a safe environment, in which basic institutions (the family, churches, schools, commerce) can operate effectively and thrive."[40]

Most researchers agree that community policing comprises three key components: 1) collaborative partnerships between the community and the police, which collectively address and prioritize community concerns; 2) organizational transformation, through which management and personnel develop the structure to effectively collaborate with the community; and 3) problem solving through "proactive and systematic examination of identified problems to develop and evaluate effective responses."[41]

Trojanowicz and Carter state, "Community policing seeks to intervene directly in the twin problems of crime and disorder" through the formation of strong community partnerships that foster information sharing and unified goals to address specific

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[36] George L. Kelling and Catherine M. Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (New York: Touchstone, 1997), 158.

[37] Ibid.

[38] Ibid.

[39] Ibid.

[40] Ibid.

[41] COPS, *Community Policing Defined.*

problems, including the development of a strategic plan of action.[42] Community policing philosophy recognizes that the police alone cannot solve problems associated with disorder and crime. Establishing collaborative partnerships will help build trust and mutual respect. The partnerships should include other governmental agencies (such as public works, prosecutors, probation and parole, health service, and schools), community members (residents, business owners, volunteers, activists, and informal and formal leaders), nonprofits (advocacy and support groups), and the media.[43]

Forming alliances with the true stakeholders—those affected by the problem—to find a solution should be the goal of the police. Established community groups most likely have identified problems for which they would gladly accept the assistance of the police to solve. Once these alliances are established and immediate problems are addressed, the likelihood of the community partnering with police on future problem-solving endeavors will increase.[44]

Building trust requires sustained effort, but it is essential before police can identify and address the true concerns of the community. The methods used to gain cooperation and support must be tailored to individual neighborhoods. Poorer minority communities that experience a greater police presence may be less trusting than more affluent communities. Moore, Trojanowicz, and Kelling believe "building bonds in some neighborhoods may involve supporting basic social institutions (e.g., families, churches, schools) that have been weakened by pervasive crime or disorder."[45]

Organizational transformation is necessary if community policing is to be effective. Most traditional policing operations are centralized, rigid, and structured around responding to calls for service. The community policing approach is much more flexible, with officers empowered to make decisions and create resolutions without

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[42] Trojanowicz and Carter, *Philosophy and Role of Community Policing*.

[43] COPS, *Community Policing Defined*.

[44] More, *Current Issues in American Law Enforcement*, 43.

[45] Mark H. Moore, Robert C. Trojanowicz, and George L. Kelling, "Crime and Policing," *Perspectives on Policing* 2 (June 1988): 10, https://www.ncjrs.gov/pdffiles1/nij/111460.pdf.

having to respond to the bureaucracy.[46] Ideas and problem solving are decentralized to the lower levels of the organization. At this level, officers are encouraged to engage in proactive and creative solutions to combat crime and disorder.[47] Goldstein has noted that "community policing will work only if rank-and-file police officers buy into the concept."[48]

Both management and staff are expected to support field operations, but the philosophy should be part of the organization's mission statement.[49] This statement should have clear goals expressing the value and commitment of the organization to involve the community "in matters that directly affect the safety and quality of neighborhood life" and recognize the merits of that involvement.[50]

Problem solving is a process of engaging in hands-on and methodical analysis to identify underlying causes of a problem with the goal of developing a mitigating strategy for effective response. In community policing, the problem-solving strategy encourages agencies and officers to think outside the box and be creative and proactive in finding solutions. A model outlined by the Department of Justice's Community-Orientated Policing Services is the SARA (scanning, analysis, response, and assessment) problem-solving model.[51]

Scanning initiates the problem-solving process with a preliminary analysis to determine the nature of a problem. The police, with the collaboration of their community partners, can move forward to identify and prioritize concerns. The next step, analysis, is at the crux of problem solving. This step also marks the gathering stage for the collection of intelligence and information. This process enables the organization to gain a full understanding of the problem, which is necessary for the development of a plan for

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[46] COPS, *Community Policing Defined.*

[47] Peak and Barthe, "Community Policing and CompStat."

[48] Herman Goldstein, "Toward Community-orientated Policing: Potential, Basic Requirements, and Threshold Questions," *Crime and Delinquency* 33 (1987): 6–30.

[49] More, *Current Issues in American Law Enforcement*, 41.

[50] Lee P. Brown, "Community Policing: A Practical Guide for Police Officials," *Perspectives on Policing* 12 (September 1989): 5, https://www.ncjrs.gov/pdffiles1/nij/118001.pdf.

[51] COPS, *Community Policing Defined.*

resolution.[52] The response stage "requires initiative by the officer, as different solutions are identified and the best solution is selected and implemented."[53] The goal of the response is to mediate the problem to the desired level. Some problems may be substantially mitigated or eliminated. The final stage is the assessment of how well the program performed by measuring the success of the response. "The process should be reviewed as circular rather than linear, meaning that additional scanning, analysis, responses and/or assessments may be required."[54]

Community policing requires long-term commitment, coupled with proper planning and implementation. It is an investment by both the police and their partners to identify and prioritize specific concerns of a neighborhood, and necessitates a defined plan of action for mitigating or eliminating those concerns. In order to be most effective, police organizations must decentralize control and empower the lowest levels of their agencies.

3.   Police Legitimacy

The relationship between the police and citizens is key to understanding legitimacy as it relates to policing. In general, police can be considered legitimate when the public believes they are acting in a moral, ethical way. When police authority is viewed as legitimate, such widespread benefits abound as the facilitation of voluntary cooperation and self-regulation.[55] Tyler wrote, "To the degree that cooperation is motivated by personal values … [it] does not depend upon the ability of the authorities to effectively deploy incentives or sanctions to secure desired behavior."[56]

Citizens' views about police legitimacy shape cooperative behavior.[57] The debate continues as to whether or not police legitimacy matters in regards to public safety, the

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[52] More, *Current Issues in American Law Enforcement*, 51.

[53] Ibid., 53.

[54] COPS, *Community Policing Defined.*

[55] Tom R. Tyler, "Enhancing Police Legitimacy," *The Annals of the American Academy of Political and Social Science* 593, no. 1 (May 2004): 88, doi: 10.1177/0002716203262627.

[56] Ibid., 88.

[57] Ibid., 89.

types of policing that enhance legitimacy, and how they affect a community's perception of police.[58]

When police actions are viewed as illegitimate, it causes harm that can corrode ties between citizens and law, as seen in the Ferguson riots. Experiences that citizens have with police often shape their views of police legitimacy, whether personal, vicarious, or through media exposure. Bradford et al. argue that the quality of a person's direct social and physical environment also has significant influence on the way that person thinks about the police. They assert that "the willingness of local people to intervene on behalf of the collective good" creates a more orderly community with less need for police intervention, making the police actually appear to be more effective.[59] Citizens make active assessments of police behavior that vary depending on context. At different dates, times, and incidents, their viewpoint of police legitimacy may change.[60]

4.   Procedural Justice

Police are effective when their actions are viewed as legitimate, and the public thus accepts their authority. Schulhofer, Tyler, and Huq suggest that "police build this valuable attribute of legitimacy" through a set of practices called "procedural justice," and that people obey the law regardless of imagined rewards or punitive consequences when they view the police as trustworthy.[61]

Procedural justice is the pathway to legitimacy in policing. Procedural justice means that a community is given opportunities to be heard through public forums. It means that that the police are responding to community concerns and acting appropriately, operating based on factual rules, not personal bias. This community focus,

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[58] Wesley Skogan and Kathleen Frydl, *Fairness and Effectiveness in Policing: The Evidence* (Washington, DC: National Academies Press, 2003).

[59] Ben Bradford, Jonathan Jackson, and Mike Hough, "Police Legitimacy in Action: Lessons for Theory and Policy," in *The Oxford Handbook of Police and Policing*, eds. M. Reisig and R. Kane (Oxford: Oxford University Press, 2013), 554.

[60] Bradford, Jackson, and Hough, "Police Legitimacy in Action," 553.

[61] Stephen J. Schulhofer, Tom R. Tyler, and Aziz Z. Huq, "American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative," *Journal of Criminal Law & Criminology*, 101, no. 2 (2011): 344–346.

coupled with treating the public with dignity and respect and clarifying the reasons for certain police actions, facilitates legitimacy.[62]

Procedural justice is hard to gauge; it depends on the community's evaluation of the police's impartial, discretionary use of authority.[63] Law professor and researcher Tom Tyler references studies that have shown that people view police as legitimate following a negative outcome, as long as they were treated fairly and with respect.[64] Operating with procedural justice develops a shared respect between police and the community. "This gives the police greater flexibility to concentrate their resources on serious crime … [and] police efforts to combat crime are improved."[65]

According to McArdle and Erzen, despite the NYPD being "widely credited with reducing violent crime to record levels … New Yorkers, especially minorities, express widespread discontent with policing and with the police."[66] To gain an understanding of the growing tensions between minority communities and the police in the United States, Dr. Fathali Moghaddam's "staircase to terrorism" theory can be applied. Exploring the staircase metaphor—understanding that on each floor there are psychological processes combined with both individual and collective identity issues that can ultimately lead to a terrorist act at the top floor—can better equip those in law enforcement tasked with preventing such an attack.[67]

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[62] Tom Tyler, "What Are Legitimacy and Procedural Justice in Policing? And Why Are They Becoming Key Elements of Police Leadership?" in *Legitimacy and Procedural Justice: A New Element of Police Leadership—A Report by the Police Executive Research Forum (PERF)*, ed. Craig Fischer, 6–32 (Washington, DC: Bureau of Justice Assistance U.S. Department of Justice, 2014, https://perf.member clicks.net/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf.

[63] Mike Hough, "Researching Trust in the Police and Trust in Justice: A UK Perspective," *Policing & Society* 22, no. 3 (2012): 338, doi: 10.1080/10439463.2012.671826.

[64] Tom R. Tyler, *Psychology and the Design of Legal Institutions* (Oisterwijk, Netherlands: Wolf Legal, 2007), 27.

[65] Tyler, "Legitimacy and Procedural Justice in Policing."

[66] Andrea McArdle and Tanya Erzen (eds), *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (New York: New York University Press, 2001).

[67] Fathali M. Moghaddam, *From the Terrorists' Point of View: What They Experience and Why They Come to Destroy* (Westport, CT: Praeger Security International, 2006), 35.

Moghaddam describes a staircase where a "fundamentally important feature of the situation is how people perceive the building, and how they see doors and spaces on each floor."[68] He believes that an individual's discernment of prejudice, morality, and identity lead them to move up the staircase to terrorism, while millions of others who experience the same conditions do not. As individuals climb up the staircase, their choices become fewer and fewer, until the last choice is an act of terrorism. In analyzing the staircase metaphor in the context of police–community relations, some similarities can be drawn. The purpose of drawing these similarities is to help police understand the challenges facing many minority communities and how certain police actions, although justified, might be perceived differently. Using this analogy, one can see how procedural justice can minimize the distrust between minority communities and police by providing mutual respect and a forum for both sides to be heard and understood.

The Pew Research Center has found evidence of a breach in trust between citizens and police, particularly in treating races equally.[69] Distrust and longstanding racial grievances between minority citizens and police remain high. A national survey of 1,501 adults by the Pew Research Center and *USA Today* (conducted August 20–24, 2014) found that "most Americans give relatively low marks to police departments around the country for holding officers accountable for misconduct, using the appropriate amount of force, and treating racial and ethnic groups equally."[70] Contrastingly, Americans also said that they were fairly confident in their local police agencies. From this poll, it is evident that police legitimacy at the national level is being questioned by the public at large.[71] According to the Pew Research Center, the level of confidence the public has in local police treating whites and blacks equally appears to point to a racially divided society:[72]

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[68] Ibid.

[69] "Few Say Police Forces Nationally Do Well in Treating Races Equally: Most Have at Least 'Fair Amount' of Confidence in Local Police," Pew Research Center, August 25, 2014, http://www.people-press.org/2014/08/25/few-say-police-forces-nationally-do-well-in-treating-races-equally/.

[70] Ibid.

[71] Ibid.

[72] Ibid., 2.

In their book, *Pulled Over: How Police Stops Define Race and Citizenship*, Epp, Maynard-Moody, and Haider-Markel explain:

> At center stage in examining racial disparities in police stops are two competing arguments: the first is that racial disparities reflect racism (whether deliberate or implicit) on the part of the officer; and the other is that the rational for stopping blacks at higher rates is because they commit crimes at higher rates.[73]

5.   **Technology**

Over the past few years, improvements in law enforcement technology have advanced at a rapid pace. The NYPD recently completed a major initiative to upgrade its mobile technology platform. The initiative outfitted over 6,000 police cars with tablet computers, provided individual smartphones to each of the NYPD's over 36,000 officers, and built a city-wide fiber-optic system that is the third largest in the tri-state region (behind only AT&T and Verizon). These devices are linked to the NYPD's Domain Awareness System (DAS), a robust computer system the department pioneered with the assistance of Microsoft. Among many of its crime-fighting applications, DAS grants officers access to comprehensive online surveillance to detect and prevent terrorist acts.[74] The NYPD and police departments across the country utilize various technologies, such as license plate readers, gunshot detection systems, facial recognition software, predictive analytics, and social media monitoring.[75] These technologies are changing policing on a daily basis, essentially enhancing situational awareness and preparedness, reducing response times, and improving officer safety.

The latest police technology use to emerge is body-worn cameras (BWCs), which help document police and citizen contact. BWCs' video outputs can bring transparency and accountability to a controversial incident. Public outrage over the recent deaths of

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[73] Charles R. Epp, Steven Maynard-Moody, and Donal Haider-Markel, *Pulled Over: How Police Stops Define Race and Citizenship* (Chicago: University of Chicago Press, 2014), 3.

[74] "New York City Mayor, Top Cop, DA Announce Major NYPD Technology Initiative," Eyewitness News ABC 7, October 23, 2014, http://7online.com/technology/city-officials-announce-major-nypd-technology-initiative/362633/.

[75] Lindsay Miller, Jessica Toliver, and the Police Executive Research Forum, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned* (Washington, DC: Office of Community Oriented Policing Services, 2014), http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf.

unarmed black men by police sparked numerous protests and riots across the nation. If there had been complete video from an officer's BWC in any of these scenarios, it may have led to a different outcome or, at the very least, taken the ambiguity out of the investigation.

Substantial subjective evidence and multiple studies support that BWC use, and the related consciousness of the equipped officers and their subjects, adjusts the actions of both, resulting in less aggression and fewer civilian complaints.[76] BWCs can also protect police agencies from unjustified lawsuits, saving agencies money and resources.[77] BWC use may also reduce negative publicity surrounding police shootings. The fact is that the actions of police officers are scrutinized and continually criticized by the media and the public, often before the facts of an event have been carefully evaluated.

Michael White conducted a review of three experimental studies in the United States that examined the implementation and effects of BWCs.[78] The first was the Rialto study, in Southern California, which evaluated the impact of BWCs on community complaints and charges of excessive police force, comparing charges against officers with and without the cameras.[79] The second study was a year-long assessment of the Mesa (Arizona) Police Department, where fifty officers were outfitted with TASER Axon Flex BWCs. The study "focused on the system's impact on reducing civil liability, addressing departmental complaints, and enhancing criminal prosecution."[80] The third study, of the Phoenix (Arizona) Police Department and Arizona State University, was part of the Bureau of Justice Assistance's Smart Policing Initiative.[81] It involved fifty-six officers wearing VIEVU BWCs, and it examined "whether the cameras deter

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[76] Michael D. White, *Police Officer Body-Worn Cameras: Assessing the Evidence* (Washington, DC: Department of Justice, 2014); See also, Lee Rankin, *On-Officer Body Camera System: End of Program Evaluation and Recommendations* (Mesa, AZ: Mesa Police Department, 2013).

[77] Eugene P. Ramirez, *A Report on Body Worn Cameras* (Los Angeles: Manning & Kass, Ellrod, Ramirez, Trester), 15, https://www.bja.gov/bwc/pdfs/14-005_Report_BODY_WORN_CAMERAS.pdf.

[78] Ibid.

[79] The Rialto project served as the foundation for Farrar's master's thesis at the University of Cambridge. In 2013, Farrar received the award for Excellence in Evidence-Based Policing from the Society of Evidence-Based Policing for this study of BWCs.

[80] White, *Police Officer Body-Worn Cameras.*

[81] Ibid., 17

unprofessional behavior from officers, lower citizen complaints, reduce citizen resistance, and disprove allegations against officers."[82]

In 2013, the Police Executive Research Forum surveyed 500 agencies. Of the 254 responding agencies, 75 percent did not use BWCs.[83] It seems inevitable, however, that more agencies will examine the potential benefits of BWCs, especially in light of the decision made by Judge Shira Scheindlin of the Federal District Court in Manhattan, who mandated that the NYPD equip its officers with BWCs.[84] The NYPD has just begun a one-year rolling study in which it is equipping over 1,000 officers with VIEVU BWCs in twenty precincts across the city. Utilizing a cluster randomized controlled trial design, the department will compare these twenty "treatment" precincts with twenty pre-selected control precincts, examining possible impacts on civilian complaints, use-of-force incidents, lawsuits, officer injuries, resisting arrest information, and officer and civilian surveys.

D.   RESEARCH DESIGN

This research evaluates policing in New York City as it pertains to police relations in minority communities through a comparative analysis of how the NYPD and the United Kingdom polices minority communities, with a focus on the City of London Police and the Metropolitan Police Service. There are many policies and practices that law enforcement agencies can use to improve transparency and build trust. This research uses a policy options analysis to examine two specific NYPD policies important in establishing legitimacy, the department's use of BWCs, and the department's social media policy.

The use of BWCs has become more widespread in law enforcement. In 2015, the U.S. Department of Justice announced a three-year plan to invest $75 million to purchase

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[82] Ibid., 18.

[83] COPS and PERF, "Guidelines to Help Formulate Model Policy for an Evolving Technology: Body-Worn Cameras," PERF, 2014, 4, http://www.policeforum.org/assets/docs/Free_Online_Documents/ Technology/presentation%20-%20guidelines%20to%20help%20formulate%20model%20policy% 20for%20body-worn%20cameras%202013.pdf.

[84] Floyd v. State of New York et al., 959 F.Supp.2d 540 (S.D.N.Y, August 12, 2013).

50,000 cameras for law enforcement agencies.[85] Former Attorney General Loretta E. Lynch stated, "Body-worn cameras hold tremendous promise for enhancing transparency, promoting accountability, and advancing public safety for law enforcement officers and the communities they serve."[86]

Similarly, police departments understand the power of social media and its influence on public perception. Social media provides a platform to reach a wider audience, educate the public, and counteract some of the negative effects of media reporting. In their study, Duffy et al. argue that the media play a substantial role in influencing the public's perception of increased crime.[87] Despite falling crime rates over the last decade, American public opinion still has not changed on this issue, and there continues to be a high level of anxiety about crime.[88] Copitch and Fox agree that law enforcement should use social media to improve confidence in the police.[89]

E.   HYPOTHESIS

The application of best practices learned from the United Kingdom's policing of ethnic minority communities can help the NYPD improve, and in some cases rebuild, trust with minority communities. Two specific strategies that can be utilized to improve transparency and increase police legitimacy in New York City are the department-wide utilization of BWCs and a more robust and responsive social media policy.

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[85] "Justice Department Announces $20 Million in Funding to Support Body-Worn Camera Pilot Program," United States Department of Justice, May 1, 2015, http://www.justice.gov/opa/pr/justice-department-announces-20-million-funding-support-body-worn-camera-pilot-program.

[86] Ibid.

[87] Bobby Duffy et al., *Closing the Gaps: Crime and Public Perceptions* (London: Ipsos MORI, 2008).

[88] University at Albany, "Attitudes toward Level of Crime in the United States," in *Sourcebook of Criminal Justice Statistics Online*, accessed June 4, 2017, http://www.albany.edu/sourcebook/csv/t2332011.csv.

[89] Gary Copitch and Chris Fox, "Using Social Media as a Means of Improving Public Confidence," *Safer Communities* 9, no. 2 (2010): 42.

F.   THESIS OUTLINE

(1)   Introduction

Since 2014, there has been growing tension between police and some of the communities they serve. This chapter has described how the erosion of trust in policing came about as many departments moved away from community policing in order to adjust to the growing demands for homeland security in the face of the ongoing threat of terrorism. A particularly glaring example was the NYPD's creation of the Demographics Unit, which was tasked with monitoring the Muslim community. This covert effort, coupled with racial disparities in police stops, fueled public distrust and alienated many in the minority community. In this chapter's literature review section, the foundation of policing in America was examined with an in-depth analysis of community policing. The concept of procedural justice as a pathway for police to gain and build legitimacy, as well as minimize the distrust of minority communities, was examined. An assessment of the role of technology, particularly officers' use of BWCs, was conducted to determine if BWCs improve transparency and accountability.

(2)   How the Problem Developed over Time

Chapter II describes the NYPD's Community Police Office Program (CPOP), which began in the mid-1980s and was never fully supported by the rank and file; as such, it was destined to fail. The Program lacked clear goals and was instituted with little or no formal officer training. Another reason for the demise of CPOP was the NYPD's inability to accept the organizational change in adopting community policing as the overall philosophy of the department.

With the passing of the Safe Streets, Safe City Act in 1991, thousands of additional police officers were hired. The hirings came with a change of administration in City Hall, and a new police commissioner, William Bratton. Commissioner Bratton brought with him a new style of policing that focused on quality-of-life issues and

introduced the NYPD to the broken windows theory.[90] The theory contended that concentrating on preventing minor quality-of-life violations ultimately prevents more serious offenses from occurring.

Bratton focused on results-driven policing and created five crime-control strategies in his first year. He believed in decentralization, and empowered his precinct commanders to make their own decisions and develop strategies to effectively reduce crime. Bratton also believed strongly in holding precinct commanders accountable for those strategies, and he accomplished this measure by implementing Compstat. A data-driven program, Compstat highlights crime "hot spots" (locations of shootings, robberies, etc.). In these hot spots, there is an expected increase of "dots" (arrests, summonses, stops, etc.). After the implementation of Compstat, an historic decline in crime began in New York City, which continues today.[91] However, the overzealous use of "stop, question, and frisk," coupled with a continued high level of enforcement in primarily minority neighborhoods where crime remained, led to a steady breakdown in trust.

(3)   The NYPD Today

At the time of this writing, the NYPD recognized the need for a change in its approach toward engagement with the community. In pursuit of this goal, the department implemented a new policing strategy focused on neighborhood-based policing. Chapter III explains the new program and the duties and responsibilities of the neighborhood coordination officers (NCOs), and provides an assessment of how the program is viewed both internally and externally. It also examines two newly created units, the Counterterrorism Bureau's Critical Response Command (CRC) and the Special Operations Division's Strategic Response Group. Lastly, the chapter reviews the NYPD's BWC and social media policies.

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[90] George L. Kelling and William H. Sousa, Jr., *Do Police Matter? An Analysis of the Impact of New York City's Police Reforms* (Civic Report No. 22) (New York: Center for Civic Innovation at the Manhattan Institute, 2001), 2, http://www.manhattan-institute.org/pdf/cr_22.pdf.

[91] Vincent E. Henry, *The Compstat Paradigm: Management Accountability in Policing, Business and the Public Sector* (Flushing, NY: Looseleaf Law, 2002), 273.

(4)   The United Kingdom

Chapter IV examines the development of community policing in the United Kingdom, which began in the mid-1980s, through its operations at the time of this writing. It also analyzes the United Kingdom's current counterterrorism strategy.

(5)   Conclusion

Chapter V describes the findings of this research and makes four recommendations for how the NYPD can enhance transparency and improve mutual trust between officers and minority communities through a more robust, collaborative, and transparent approach in its community policing and counterterrorism strategies.

II.   HOW THE PROBLEM DEVELOPED OVER TIME

This chapter begins with a review of community policing. It examines how community policing evolved, influenced by the political climate and the philosophy embodied by the various police commissioners. The chapter moves on to analyze the effects of the broken windows theory (implemented in the early 1990s) on crime control, and, more importantly, the theory's impact on the minority community. Finally, the chapter focuses on the aftermath of the 9/11 attacks, and the new responsibility of homeland security.

A.   COMMUNITY POLICING

Modern community policing in the NYPD took shape in the early 1980s. However, it was preceded by other community-orientated programs, such as Neighborhood Police Teams (NPT); Park, Walk and Talk; and the Cop on the Block. These programs were introduced in the early 1970s by then-Police Commissioner Patrick Murphy.[92] He initiated these programs in order to "build closer ties to business people and residents on their beat."[93] The programs increased police visibility via foot patrols and were broadly popular with residents.[94] There were, however, significant shortcomings. NPT was a project limited to certain areas of the city, where it received little managerial support and was quickly eliminated when the city's fiscal crisis hit in the mid-1970s.[95] Team policing was designed to improve police–community relations and officer morale while delivering better police response, but it was "implemented very quickly by new chiefs with little planning."[96] Gay, Day, and Woodward found that team

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[92] Eli B. Silverman, *NYPD Battles Crime: Innovative Strategies in Policing* (Boston: Northeastern University Press, 1999), 39.

[93] Ibid.

[94] Maria R. Haberfeld, *Critical Issues in Police Training* (Upper Saddle River, NJ: Prentice Hall, 2002).

[95] Henry, *The Compstat Paradigm*, 126.

[96] William G. Gay, H. Talmage Day, and Jane P. Woodward, *Neighborhood Team Policing in the United States: Assessment Summary* (Washington, DC: National Sheriff's Association, 1976), https://www.ncjrs.gov/pdffiles1/Digitization/35296NCJRS.pdf.

policing failed because "program administrators and officers failed to implement the most basic components of team policing."[97]

In 1984, the Vera Institute of Justice, in collaboration with the NYPD, created the Community Patrol Officer Program (CPOP) as a pilot program in Brooklyn's 72nd Precinct. The Program was designed to allow officers to engage with the community and effectively reduce crime and disorder.[98] The goals of the program were outlined in NYPD Operations Order 71, issued July 10, 1984. They were:

a) To increase community awareness of crime problems and foster the development of community-based crime prevention efforts.

b) To develop strategies for tactical operations which respond to specific community and neighborhood problems and needs.

c) To increase community involvement in policing activities through special programs, meetings, and the permanent assignment of police officers to neighborhood beats.

d) To reduce the fear of crime in the community and increase individual citizen's sense of personal safety.

e) To decrease the amount of actual or perceived criminal activity in the target neighborhoods.[99]

An internal review deemed CPOP a success, and by 1987 the Program had been expanded to all police precincts citywide.[100] CPOP was formed as a separate unit of community patrol officers under the direct supervision of a sergeant, who reported directly to the precinct commander.[101]

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[97] Ibid.

[98] Vera Institute of Justice, *The Community Patrol Officer Program: A Pilot Program in Community Orientated Policing in the 72nd Precinct: Progress Report* (New York: Vera Institute of Justice, 1984), https://www.vera.org/publications/the-community-patrol-officer-program-a-pilot-program-in-community-oriented-policing-in-the-72nd-precinct-progress-report.

[99] Ibid., 25.

[100] Benjamin Ward et al., *Community Patrol Officer Program: Problem Solving Guide* (New York: Vera Institute of Justice, 1988), http://www.popcenter.org/library/unpublished/ProblemAnalysisTools/175_The_Community_Patrol_Officer_Program.pdf.

[101] Silverman, *NYPD Battles Crime*, 55.

The foundation of community policing consisted of two main components: community partnership and problem solving. According to the U.S. Department of Justice, "Community partnership means adopting a policing perspective that exceeds the standard law enforcement emphasis."[102] This perspective acknowledges the importance of actions that contribute to the "orderliness and well-being of a neighborhood."[103] The partnership between police and the community is needed to develop collaborative solutions to address the concerns of the community and enhance trust in police.[104] Problem solving is a proactive process that clearly identifies specific problems in order to develop effective responses.[105] Both components were a move away from the traditional policing strategy.[106]

According to Trojanowicz and Bucqueroux, community policing is a philosophy—not a tactic—and requires the same officers to police the same neighborhoods day in and day out.[107] In line with this philosophy, the NYPD created community-policing units in every police precinct, with officers assigned to steady beats (foot patrol assigned to a specific area). The officers were tasked with becoming familiar with those who worked, lived, or operated businesses on their beats. Public and private partnerships were encouraged, and a reciprocal flow of information between the police and the public manifested. Yet the Community Police Officer Program that began in the mid-1980s ended in the early 1990s.[108] "Contrary to public announcements and 'good press,' community policing did not become the department's dominant philosophy."[109] Ultimately, the lack of support within the department to accept the necessary

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[102] Community Policing Consortium, *Understanding Community Policing: A Framework for Action* (NCJ 148457) (Washington, DC: Bureau of Justice Assistance, 1994), 15, https://www.ncjrs.gov/pdffiles/commp.pdf.

[103] Ibid.

[104] COPS, *Community Policing Defined*.

[105] Ibid.

[106] Goldstein, *Problem Oriented Policing*, 11.

[107] Trojanowicz and Bucqueroux, *Community Policing*, 154.

[108] Michael M. Berlin, "Community Policing, Evolution of," in *Encyclopedia of Community Policing and Problem Solving*, ed. Kenneth J. Peak (Thousand Oaks, CA: SAGE, 2013), http://studysites.sage pub.com/peak/study/materials/reference/07350_5.1ref.pdf.

[109] Silverman, *NYPD Battles Crime*, 62.

organizational change, which would allow for a less traditional style of policing to exist, led to the demise of community policing.[110]

In 1991, the Safe Streets, Safe City Act was passed in the state legislature. The Act, which was championed by Mayor Dinkins, established a city income-tax surcharge dedicated to hiring 6,000 more police officers. The Act also funded a host of social programs, most aimed at facilitating community policing.[111]

In January 1993, newly hired Police Commissioner Bratton criticized Mayor Dinkins for spending money on social service initiatives instead of investing in additional police manpower. This policy was a miscalculation, in Bratton's opinion, as a stronger police presence on the streets leading up to the election would have sent a positive message for his campaign.[112] However, "3,500 of the authorized 6,000 patrol officers were on the streets" and all precincts had a number of community policing officers that were welcomed in the community.[113] Bratton was also vocally critical of the community policing plan, citing the lack of training for officers and its unfocused approach to addressing crime. In his words:

> The city's problems were complex and difficult for the most experienced police and social service experts; these kids were unprepared and ill-equipped to handle them, and it's unrealistic to expect they could.[114]

Those few who could succeed were never empowered to follow through under the NYPD's centralized bureaucracy. CPOP, as it was designed and implemented, was "fundamentally flawed" and destined to fail.[115]

In July 1992, Mayor Dinkins created the Mollen Commission to investigate the nature, extent, and causes of police corruption in the NYPD. The Commission report was critical of the department; it found that there was greater concern over attracting bad

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[110] Brown, "Community Policing," 4.

[111] Henry, *The Compstat Paradigm*, 9.

[112] William Bratton and Peter Knobler, *The Turnaround: How America's Top Cop Reversed the Crime Epidemic* (New York: Random House, 1998), 198.

[113] Silverman, *NYPD Battles Crime*, 73.

.[114] Bratton and Knobler, *Turnaround*, 199.

.[115] Henry, *The Compstat Paradigm*, 9.

press than rooting out corruption.[116] In April 1994, more than thirty NYPD police officers were charged with corruption, the largest number in more than a decade. The scandal, known as the "Dirty 30," involved dozens of officers assigned to the 30th Precinct in the Hamilton Heights section of Harlem. They were charged with civil rights conspiracy, perjury, extortion, grand larceny, and possession and distribution of narcotics. The scandal deeply damaged the creditability of the NYPD.[117]

B.   BROKEN WINDOWS

After the election, Mayor Giuliani and Commissioner Bratton both capitalized off the funding Dinkins had secured; within the first six months of taking office, they presided over two graduation ceremonies welcoming 4,200 new police officers.[118]

During his first tenure as police commissioner in 1994, Bratton refocused the NYPD's mission, pushing strategies based on the broken windows theory that he had used to transform the NYC Transit Police.[119] This theory, introduced by researchers James Q. Wilson and George Kelling, contended that cracking down on minor quality-of-life offenses produces a ripple effect that prevents more serious crime. Bratton believed that such minor violations as panhandling, graffiti, vandalism, and public drunkenness set the tone for a particular neighborhood, which essentially issued an invitation for more serious criminals to settle into the area. In their work, Wilson and Kelling concluded that disorder and crime are inextricably linked, and when disorder is allowed to proceed unchecked, a domino effect occurs.[120] Bratton created a fresh agenda to combat what he

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[116] New York City Commission to Investigate Allegations of Police Corruption, *New York City Commission to Investigate Allegations of Police Corruption and the Anti-corruption Procedures of the Police Department: Commission Report* (New York: The City of New York, 1994).

[117] Joseph B. Treaster, "In West Harlem's 30th Precinct, the Cocaine Sales are Wholesale," *New York Times*, April 24, 1994, http://www.nytimes.com/1994/04/24/us/in-west-harlem-s-30th-precinct-the-cocaine-sales-are-wholesale.html.

[118] Bratton and Knobler, *Turnaround*, 198.

[119] Kelling and Sousa, "Do Police Matter?"

[120] James Q. Wilson and George L. Kelling, "Broken Windows: The Police and Neighborhood Safety," *Atlantic Monthly* (March 1982): 29–38, https://www.manhattan-institute.org/pdf/_atlantic_monthly-broken_windows.pdf.

saw as a department "satisfied with incremental declines in crime."[121] In embracing the broken windows theory, Bratton wanted conditions corrected before they escalated. And it worked. In the mission's first year, felony crime fell by 12.3 percent.[122]

In his first year, Bratton created five crime control strategies dealing with guns, youth violence, drugs, domestic violence, and public disorder.[123] The strategies were introduced and implemented in conjunction with the department's Compstat program: a data-driven program highlighting "hot spots" of crime. It was a program designed to hold precinct commanders accountable for resource deployment and crime prevention strategies. Compstat was built on four concepts: accurate and timely intelligence, rapid deployment of resources, effective tactics, and relentless follow-up and assessment.[124] Kelling claimed that "Compstat was perhaps the single most important organizational/administrative innovation in policing during the latter half of the 20th century."[125] Bratton wanted to decentralize control from police headquarters and empower precinct commanders to focus on substantive community problems and effective crime reduction results. "Shortly after Bratton implemented these new ideas, crime in New York City began its historic dive. Virtually everyone was caught off guard."[126]

The move toward data-driven and targeted enforcement in the early 1990s led to a gradual shift away from community policing. Researcher Jeffrey Patterson acknowledged, "Community policing initiatives have been scaled back in two of its most prominent national settings—Houston, Texas and New York City."[127] When Bratton introduced Compastat into his broken windows theory–focused mission, he dramatically reshaped how the NYPD would address crime and disorder. He introduced Compstat to

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[121] William J. Bratton, "The Year of Change," in *NYPD Agenda for 1995 and Beyond* (New York: NYPD, 1995), https://archive.org/details/YearOfChange.

[122] Ibid., 1

[123] Ibid., 2

[124] Bratton and Knobler, *Turnaround*, 224.

[125] Kelling and Sousa, "Do Police Matter?"

[126] Ibid., 3.

[127] Jeffrey Patterson, "Community Policing," *FBI Law Enforcement Bulletin* 64, no. 11 (1995): 5.

enable precinct commanders to have up-to-date crime statistics, and empowered them to think creatively to develop individualized plans to address crime trends and conditions. His focus was clearly geared toward results-driven policing. Silverman, in describing the effect of Compstat, wrote that it "grew to wield enormous influence over the NYPD revolution. Driven by intelligence gathering and fueled by innovative managerial processes, this engine of change has jolted the NYPD bureaucracy and has propelled it to new crime-fighting heights."[128]

The Compstat process employed an intense, results-driven strategy for which the stakes were high—commanders who were not successful could be removed from their command, while those who were often received a promotion or advancement.[129] Megars believes "this strategy, considered an integral principle of the Compstat process, provided ammunition for critics who saw Compstat as an antithesis of community and an ungracious return to the rational-legal bureaucratic model of policing."[130]

In 1995, the Transit Police and Housing Police merged with the NYPD, with the consolidation resulting in a 16-percent increase in uniformed personnel.[131] The merge eliminated redundancy and provided more efficient and coordinated police services in both the transit system and public housing.

The significant drop in crime from 1994 to 1996 and the consequential increase in community relations was practically obliterated in August 1997 when an on-duty officer sadistically tortured and sodomized a prisoner, Abner Louime, in a precinct bathroom. It marked "the beginning of deterioration in police/community relations."[132] Several thousand marched on city hall to protest against police brutality.[133] Then, in 1999,

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[128] Silverman, *NYPD Battles Crime*, 19.

[129] Henry, *Compstat Paradigm*, 20.

[130] Jeffrey S. Megars, "Compstat: A New Paradigm for Policing or a Repudiation of Community Policing," *Journal of Contemporary Criminal Justice*, 20, no. 1 (2004), 70–79.

[131] Bratton, "State of the NYPD," 76.

[132] Ibid.

[133] Peg Tyre and Jonathan Karl, "Demonstrators in New York Protest Police Brutality," CNN, August 29, 1997, http://web.archive.org/web/20140119014650/http://www.nytimes.com/2002/06/23/magazine/no-way-out.html?pagewanted=all&src=pm.

Amadou Diallo, an unarmed West African immigrant, was killed by officers assigned to the elite plainclothes Street Crime Unit (SCU). Mistaking his wallet for a firearm, four officers fired forty-one times at Diallo.[134] In the two months following the shooting, several hundred protestors were arrested in demonstrations. Racial tension was high as the four officers were charged with second-degree murder.[135] In the aftermath of the shooting, the SCU was designated as uniformed patrol and ultimately disbanded. All four officers involved were eventually acquitted of all the charges. Both these incidents, though very different in nature, tarnished the image of the NYPD and eroded the public trust in police. "Policing involves both negative and positive citizen contact. When the negative far outweighs the positive, public confidence declines."[136]

Despite these incidents, Compstat continued to drive the focus on crime reduction. Significant emphasis was placed on measuring police actions, such as arrests, summonses, and stops. By continuing to focus on crime "hot spots" and increasing enforcement in areas where most crime occurred (typically, the poorer minority sections of the city), "Compstat was instrumental in driving down overall index crime by more than 50 percent and homicides by 68 percent by 1999."[137] Though crime rates continued to fall, minorities felt the numbers-driven policing strategy was intrusive and oppressive:

> Subject to intrusive police actions, residents often experienced the focused enforcement activity as negative rather than positive. To them, it often felt as if the police were doing things to them and their neighborhoods rather than with them and for their neighborhoods.[138]

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[134] Michael Cooper, "Officers in Bronx Fire 41 Shots, and an Unarmed Man Is Killed," *New York Times*, February 5, 1999, http://www.nytimes.com/1999/02/05/nyregion/officers-in-bronx-fire-41-shots-and-an-unarmed-man-is-killed.html.

.[135] "New York Officers Charged with Murder. Court: Four White Policemen Plead Innocent in Shooting Death of Unarmed Immigrant. Slaying Has Inflamed Racial Tensions in City," *Los Angeles Times*,(April 1, 1999, http://articles.latimes.com/1999/apr/01/news/mn-23328.

[136] Silverman, *NYPD Battles Crime,* 198.

[137] Bratton, "State of the NYPD."

[138] Ibid.

Today, Commissioner Bratton often refers to the intrusion and oppression as "unintended consequences."[139]

C. THE HOMELAND SECURITY ROLE

Following the attacks of 9/11, the NYPD's role significantly changed. In addition to its primary law enforcement role, it now took on the additional burden of keeping the city safe from potential terrorist attacks.[140] This change resulted in a shift of resources away from police precincts to the newly formed Counterterrorism Bureau. Rob Chapman and Matthew Scheider published a report for the Office of Community Orientated Policing Services that raised the issue that "some police departments may abandon community policing for seemingly more immediate security concerns."[141] They argued that community policing was now more important than ever.

In January 2003, the NYPD, under then-Commissioner Raymond W. Kelly, launched Operation Impact, a citywide initiative that deployed rookie officers to patrol high-crime hot spots referred to as "impact zones." By flooding these areas with officers, primarily assigned to footposts, the initiative had an "immediate positive effect on reducing crime in Impact Zones."[142] Operation Impact successfully sustained crime reduction for more than a decade. In 2014, Commissioner Bratton applauded the program created by his predecessor Kelly. He did, however, critique the selection of new graduates from the Police Academy being thrust into the highest crime areas of the city with minimal mentoring or oversight. In his opinion, they lacked experience and this inexperience resulted in them stopping and questioning too many innocent people.[143] In

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[139] "Trust: Bridging the Police/Community Divide," NYPD, accessed June 4, 2017, http://home.nyc.gov/html/nypd/html/home/POA/pdf/Trust.pdf.

[140] "Counterterrorism," NYPD.

[141] Rob Chapman and Matthew C. Scheider, "Community Policing: Now More Than Ever," reprinted in *Community Policing: A Contemporary Perspective*, 5th edition, eds. Victor E. Kappeler and Larry K. Gaines (Newark, NJ: Matthew Bender, 2009).

[142] Dennis C. Smith and Robert Purtell, "An Empirical Assessment of NYPD's 'Operation Impact': A Targeted Zone Crime Reduction Strategy," New York University, June 27, 2007, 9.

[143] Rocco Parascandola, "Bratton to Reform Operation Impact; Wants NYPD Rookies to Start at Precincts, Not on Street in High-Crime Areas," *NY Daily News*, January 31, 2014, www.nydailynews.com/new-york/bratton-reform-operation-impact-improve-training-article-1.1598341.

2015, Bratton stopped the practice of assigning new graduates to impact zones. Instead, he implemented an eighteen-month field training program at the precinct level, ensuring that rookie officers operated under the tutelage of field training officers.

In 2011, the Vera Institute of Justice studied the effects of the stop, question, and frisk practice in New York City, "focusing exclusively on stops of young people in highly patrolled, high crime areas," and found that it adversely impacted police–community relations.[144] By this time, stops were close to 700,000, an increase of 338 percent from 2003.[145] The majority of those stopped were never charged with any criminal activity. The study also found that the number of stop, question, and frisks were disproportionately performed in minority communities.[146]

Due to concerns regarding the controversial practice of stop, question, and frisk, and allegations of racial disparities in enforcement practices, the city council passed Local Law 70 in 2013, which created an inspector general to oversee the NYPD.[147] Later that year, as a result of the class-action suit *Floyd v City of New York*, U.S. District Court Judge Shira Scheindlin ruled that the NYPD's stop, question, and frisk practice was unconstitutional and resulted in widespread Fourth Amendment violations. The court appointed a federal monitor to oversee changes to the department's policies and practices. The controversial 2014 death of Eric Garner in New York, followed a month later by the death of Michael Brown in Ferguson, Missouri, boiled over into nation-wide protests and riots. The intense pressure for police to work on rebuilding trust and improving community–police relations, particularly in minority communities, led to a reevaluation of the NYPD's policy priorities.

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[144] Jennifer Fratello, Andres F. Rengifo, and Jennifer Trone, *Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications* (New York: Vera Institute of Justice, 2013), http://www.vera.org/pubs/special/stop-and-frisk-reports.

[145] Ibid., 4.

[146] Ibid.

[147] New York City Council, Local Law No. 70 of 2013, Council Int. No. 1079 of 2013, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1444266&GUID=EAB137A1-CEDE-434A-AC63-FE91DF78C337.

III. THE NYPD TODAY

After twelve years at the helm of the NYPD, Police Commissioner Raymond W. Kelly was replaced by Police Commissioner William Bratton. Although he praised his predecessor for record reductions in crimes and an unparalleled municipal counterterrorism capability, Bratton announced his intention to change the direction of the department. With this change of guard in 2014, the NYPD began a glacial shift in its policing strategy. Commissioner Bratton began with his "Reengineering Initiative," for which he tasked hundreds of officers and civilian employees with recommending improvements for the internal and external functioning of the NYPD. His administration then initiated dozens of substantial, and sometimes fundamental, changes to the department. His administration focused on the following strategies:

- targeting enforcement against the small criminal element responsible for a disproportionate amount of crime in New York City.

- improving and increasing in-service training of officers.

- increasing the utilization of technology.

- refocusing on community policing.

- prioritizing efforts to increase police legitimacy and transparency.

These strategies were primarily based on Commissioner Bratton's belief that the department needed to build a deeper relationship with the community, which required long-term commitment, collaboration, and trust. Under his helm, the department's most notable relationship-building effort was the implementation of the Neighborhood Coordination program. This neighborhood-based program dedicated officers to actively engage with the community at the local level. Although the program is still in its infancy, it has received praise from the public, especially in minority neighborhoods. Commissioner James O'Neill took over the helm at the end of 2016, and has continued the strategies begun by his predecessor.

A.   NEIGHBORHOOD POLICING STRATEGY

When Commissioner Bratton returned to the NYPD in 2014, he recognized the need to build trust and form new alliances with the community. In 2015, he introduced a new model for patrol and community engagement. The strategy was inspired by the Los Angeles Police Department's Senior Lead Officer Program. His Neighborhood-Based Policing Plan established a new uniformed position: the neighborhood coordination officer (NCO). The NCOs are highly trained senior police officers and detectives empowered to work with the community to identify conditions and develop individualized strategies to address them. Working collaboratively with community partners, they "set priorities, design strategies, and guide police action at the neighborhood level."[148] The program also identifies and engages with influential members of the communities, bringing them into the fold as "community partners."

This strategy is being steadily expanded citywide, on a precinct-by-precinct basis, with the eventual goal of having all seventy-seven precincts operating on this model. The plan requires dedicated steady sector cars to remain working in the same neighborhood each day, so that they may work collaboratively with the NCOs and the community. This model requires a heavy investment of human capital, with the requisite increase in uniformed headcount at the precinct level. As such, the department is reallocating resources from other areas.

B.   COUNTERTERRORISM STRATEGY

In the aftermath of 9/11, the NYPD built the largest and most robust municipal counterterrorism bureau in the world. Its primary mission is to defend New York City from future terrorist attacks. It was created on the "realization that the City could not rely solely on the federal government for its defense."[149]

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[148] "Trust," NYPD.

[149] "Counterterrorism," NYPD.

Currently, more than 1,000 officers are assigned to the department's counterterrorism mission full time. Over the years, the department has employed a number of counterterrorism initiatives.

> In 2003, the NYPD implemented a comprehensive security plan known as Operation Atlas that incorporates highly visible deployments throughout the city. These are designed to disrupt terrorist planning and surveillance operations and include Critical Response Vehicle (CRV) surges, Hercules Team deployments, Transit Order Maintenance Sweeps (TOMS), and Subway Explosive Trace Detection checkpoints.[150]

The CRV consisted of teams of two officers from each of the seventy-seven police precincts that were deployed at strategic locations across the city in a massive show of police presence. In 2015, CRV surges were replaced by a full-time force, the Critical Response Command (CRC), consisting of nearly 500 specially trained and equipped officers under the command of the Counterterrorism Bureau. The heavy-weapons teams (known as Hercules) are elite, heavily armed members of the department's Emergency Service Unit.

In addition, the department has dramatically bolstered its Intelligence Division, with a large portion of its resources being dedicated to counterterrorism intelligence gathering. Then-Deputy Commissioner David Cohen, a thirty-five-year veteran of the Criminal Intelligence Agency (CIA), revamped and modernized the bureau. For example, the number of NYPD uniformed personnel assigned to the NYC Joint Terrorism Task Force was increased from seventeen to one hundred twenty-five.[151] Commissioner Cohen also initiated the International Liaison Program, which was sponsored by the NYC Police Foundation. Established in 2002, the Program stations intelligence officers in twelve international cities to provide firsthand knowledge of any terror plot or attack to the NYPD's executive staff in as close to real-time as possible.[152] These assignments include London, Tel Aviv, Abu Dhabi, Singapore, Lyon, Paris, Sydney, Amman, Madrid, Santa

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[150] Richard A. Falkenrath, "Prepared Statement of Testimony before the Committee on Homeland Security and Governmental Affairs, United States Senate," September 12, 2006, www.investigative project.org/documents/testimony/259.pdf.

[151] Ibid.

[152] "International Liaison Program," New York City Police Foundation, accessed June 4, 2017, http://www.nycpolicefoundation.org/programs/international-liaison-program.

Domingo, Toronto, and Montreal. The locations were chosen based on criteria, including opportunities for collaboration with the host-nation police and intelligence services and the geographic agility to respond to global events.

A recent technological initiative aiding the department's counterterrorism mission is the adoption of the Domain Awareness System (DAS), developed in conjunction with Microsoft. Initially, DAS consisted of a network surveillance system comprising over 6,000 private and public cameras and hundreds of license readers. Through DAS, the NYPD can monitor thousands of cameras around the city, scan license plates, identify radiation emissions from vehicles, and determine criminal and terrorism suspects' information from dozens of criminal databases ... all in near-real time.[153] The department has continued to expand the capabilities of DAS, putting the system's full capabilities into the hands of each of its over 36,000 officers.

In response to a number of terror attacks overseas, the NYPD created two new units in 2015, the CRC, composed of 527 UMOS, and the Strategic Response Group, a group of 800 UMOS. The units are highly trained, mobile, and equipped with heavy weapons. In the event of an attack, the NYPD has designated over 2,000 highly trained and specially equipped officers that can be swiftly deployed to anywhere in the city, making the NYPD's capability to respond to a terror attack stronger than ever before.

C. BODY-WORN CAMERA (BWC) POLICY

In March 2017, the NYPD issued an operations order that outlined its policy and procedures for a citywide pilot project for BWCs. The "program will serve to provide a contemporaneous, objective record of encounters, facilitate review by supervisors, foster accountability, and encourage lawful and respectful interactions between the public and

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[153] Neal Ungerleider, "NYPD, Microsoft Launch All-Seeing 'Domain Awareness System' with Real-Time CCTV, License Plate Monitoring [Updated]: The New York Police Department Has A New Terrorism Detection System That Will Also Generate Profit for The city," Fast Company, August 8, 2012, http://www.fastcompany.com/3000272/nypd-microsoft-launch-all-seeing-domain-awareness-system-real-time-cctv-license-plate-monitor.

the police."[154] The aim of the project is to examine, methodologically, the effect BWCs have on officer safety, the ability to ascertain evidence that can assist in criminal prosecutions, resolving civilian complaints, reducing unconstitutional stops, and promoting positive relations with the community.

The policy was developed by the NYPD in collaboration with "key stakeholders and advocates, including: the NYPD Inspector General; the NYC's respective District Attorneys; members of the NYC Council; the NYC Public Advocate; NYCLU; Civilian Complaint Review Board; Patrolman's Benevolent Association; and Citizens Crime Commission."[155] The policy covers when, and under what circumstances, the cameras should be activated, how the footage can be reviewed, shared, and investigated, and how long recordings should be retained.

Mandatory activation is required in several clearly delineated circumstances, including possible arrest situations, adversarial incidents, vehicle stops, the issuance of a summonses, and any interaction with an emotionally disturbed person. The policy allows for exigent circumstance to activate the camera when feasible and safe, after taking necessary police action to protect human life and remain safe. The policy also contains a provision for when discretionary activation is allowed, that is when "in the member's judgment it would be beneficial to record."[156] It also establishes several instances when BWC recording is prohibited, such as performing non-enforcement duties, attending department meetings or training, performing a strip search, interviewing a current or potential confidential informant, and when an undercover officer is present. In general, BWCs will not be activated during demonstrations or civil disobedience, unless engaged in an activity captured under the mandatory activation clause.

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[154] NYPD, "Pilot Program - Use of Body-Worn Cameras" (NYPD Operations Order Draft 16), Center for Constitutional Rights, March 22, 2017, 14–21, https://ccrjustice.org/sites/default/files/attach/2017/04/Monitor%204%2011%202017%20Memo%20to%20Court%20re%20Approval%20of%20BWC%20Op%20Order..pdf.

[155] "NYPD Releases Proposed Police Officer Body-Worn Camera Procedure," *NYPD news*, April 7, 2017, http://nypdnews.com/2017/04/nypd-releases-proposed-police-officer-body-worn-camera-procedure/.

[156] NYPD, "Pilot Program - Use of Body-Worn Cameras."

Currently, the NYPD is moving into Phase 1 of its BWC program; it is a court-mandated, cluster-randomized, controlled trial to evaluate the impact BWCs have on the behavior of both officers and civilians. The experiment is being led by Federal Monitor Peter Zimroth to deploy approximately 1,000 BWCs in twenty patrol precincts, and issue them to officers assigned to the third platoon (1500x2300 hours).[157] Each "treatment" precinct will be matched with a pre-selected control precinct and evaluated for a rolling one-year period. Phase 2, expected to begin in 2018, will greatly expand the deployment of BWCs, although the exact details are to be determined.[158] Phase 3, slated to begin in 2019, will theoretically equip each officer in the department with a BWC.[159]

D.   SOCIAL MEDIA POLICY

After many years of ad hoc usage, the NYPD established a formal policy regarding the use of social media for investigative purposes in 2012. The policy provides guidelines for utilizing social media for investigative purposes. Specifically, it provides a framework for gathering intelligence while balancing privacy expectations. This policy order addresses legal and operational considerations, such as when a member needs access to online accounts maintained by service providers. Some information may be obtained with a subpoena, while other information requires a special court order or search warrant.[160] The policy also outlines the necessary steps members can take to avoid detection, since accessing any social media site using an NYPD network connection can identify the NYPD as the user.

It was not until 2016 that the department promulgated a formal policy that provided procedures for social media account establishment, management, administration, oversight, and guidance for individual use. The procedure mandates that all social media accounts must be approved by the deputy commissioner of strategic

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[157] Peter L. Zimroth, "Third Report of the Independent Monitor: Interim Briefing on Body-Worn Camera Pilot Program," Center for Constitutional Rights, August 9, 2016, 10–14, http://nypdmonitor.org/wp-content/uploads/2016/10/2016-08-09MonitorsLtrtoJudgeTorresencl3rdReportInterim-Brief.pdf.

[158] NYPD Risk Management Bureau meeting, March 29, 2017.

[159] Ibid.

[160] NYPD, "Use of Social Networks for Investigative Purposes—General Notice" (NYPD Operations Order 34), September 5, 2012, 3.

communication (DCSC).[161] Generally, only commanding officers, bureau chiefs, and deputy commissioners are authorized to establish social media accounts. Commanders/account holders may designate one or more members of their command to post content on behalf of the command. All members granted hosting privileges are required to attend training provided by the DCSC.

During large-scale emergency incidents, or as otherwise determined by the chief of department, individual and command Twitter accounts will be directed to relay messages disseminated by the department. In a large emergency, the deputy commissioner of public information will coordinate with DCSC personnel to transmit messages to the public via the department's social media platforms. Department Twitter account holders will receive a targeted message instructing them to redirect and/or retweet messages disseminated by the department's Twitter account. Upon cessation or de-escalation of the incident, account holders may resume their routine messaging.[162]

The department's social media policy is meant to minimize controversial, inaccurate, and/or contradictory postings by members of the NYPD, and it ensures unified messages regarding large-scale events, emergencies, and sensitive incidents. This function is important for the accurate and timely dissemination of information to the public. Yet the NYPD's restrictive social media policy is not as robust as it could be. The department almost exclusively utilizes only the social media platforms of Twitter and, to a lesser degree, Facebook, and account holders vary greatly in their social media usage, both in volume and context. Many precinct commanders focus their tweets primarily on enforcement activity, such as high-profile arrests and large-scale drugs busts, entirely foregoing news regarding community outreach initiatives. The department's social media strategy is focused on one-way messaging and rarely invites public feedback. There is a nearly universal focus on output versus input and a complete lack of department-sanctioned blogs and public discussion forums.

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[161] NYPD, "Department Social Media Accounts and Policy" (Interim Order 22), April 15, 2016.

[162] NYPD, "Social Media Plan: Emergency Incident" (Operations Order 9), February 17, 2016.

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IV.   THE UNITED KINGDOM

Policing in the United Kingdom was founded on the principle of "policing by consent," with a historical policing model that relies on the cooperation and agreement of the people. To this day, its police do not routinely carry guns, nor are they equipped with military-style equipment. Learning from past mistakes, namely the Brixton Riots in the early 1980s, the United Kingdom enacted the Reform Act of 2002, requiring the development of a national plan committed to community engagement at every level. The plan is based on a service-delivery model that is developed through partnerships and collaboration with stakeholders. The plan recognizes the importance of engaging diverse communities, and relies on high-visibility officers that are accessible to the community. The working partnerships have enabled residents to feel empowered, while giving officers a sense of personal fulfillment.

The United Kingdom's Strategy for Countering Terrorism, CONTEST, is heavily invested in community engagement. The strategy places a large emphasis on preventing the radicalization of those who might otherwise feel disenfranchised by engaging in community outreach, collaboration, inclusion, and transparency.

A.   NEIGHBORHOOD/COMMUNITY POLICING

The development of community policing began in the United Kingdom in the mid-1980s, with the goal of sensitizing the police to neighborhood ethnic and cultural differences and promoting greater interaction with the community toward the resolution of persistent neighborhood crime and disorder problems. In the late 1970s and early 1980s, the United Kingdom was in recession; there was mass unemployment, youth alienation, and conflicts over race and class inequality, all of which resulted in protests

and riots.[163] As a result of those incidents, the United Kingdom developed its community-engagement strategies.[164]

Community policing and variations of it underlie much of police practice today in the United Kingdom. Two significant acts of Parliament in the United Kingdom spearheaded community policing efforts: the Crime and Disorder Act of 1998 and the Police Reform Act in 2002. The Crime and Disorder Act of 1998 granted local authorities more responsibility in developing ways to reduce crime and disorder within their communities.[165] The provision required local authorities to collaborate with all sectors of the community: residents, landlords, businesses, police, health authority, etc. The Police Reform Act in 2002 created the National Police Plan and police community support officers—para-professionals who facilitate community engagement and assist in addressing minor crime, allowing local patrol officers to focus on "front-line duties."[166] Every year, a three-year plan is produced that sets out the strategy for the United Kingdom's police forces.

Neighborhood policing emphasizes a local approach to policing that is accessible to the public and responsive to individual neighborhood needs. It incorporates all of the neighborhood stakeholders in the design and delivery of police service. Neighborhoods also benefitted from increased police accessibility and visibility. Residents reported increased empowerment, perceived reductions in crime, and improved perceptions of safety. Likewise, community partners reported improved efficiencies, more effective problem solving, and personal fulfillment.

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[163] Kenan Malik, "The Failure of Multiculturalism: Community Versus Society in Europe," *Pandaemonium* (blog), February 17, 2015, https://kenanmalik.wordpress.com/2015/02/17/the-failure-of-multiculturalism/.

[164] "Engagement and Communication: Engagement," College of Policing, October 23, 2013, https://www.app.college.police.uk/app-content/engagement-and-communication/engaging-with-communities/.

[165] Crime and Disorder Act 1998, http://www.legislation.gov.uk/ukpga/1998/37/pdfs/ukpga_19980037_en.pdf.

[166] Police Reform Act (2002), 39, http://www.legislation.gov.uk/ukpga/2002/30/pdfs/ukpga_2002 0030_en.pdfhttp://compass.port.ac.uk/UoP/file/b695217a-3742-4d0b-b84e-1998c518d14f/1/The%20 Police%20Service_IMSLRN.zip/page_03.htm

Beginning in 2002, the Metropolitan Police Service (MPS) began recruiting police community support officers to work in conjunction with neighborhood policing teams containing special constables and beat managers. Their mission is to provide high-visibility patrol, tackle anti-social behavior, deal with minor offenses, gather criminal intelligence, and support front-line policing.[167]

Guidance set forth from the Home Office has always fostered an emphasis on collaboration and the need for community engagement. The MPS is committed to developing and continually improving community engagement. The Service has a Communities Together Strategic Engagement Team that collaborates with communities and offers a website with links to neighborhood teams, community updates, hotlines, etc.[168] In addition, MPS recognizes the need for independent advisory groups (IAGs) that can "provide advice and guidance to help prevent critical events escalating … [and] a sounding board for the police to understand the potential impact on communities of police practices and operations."[169] Another practice of engagement is the MPS London Muslim Communities Forum. The Forum brings senior police officers together with representatives from London's diverse Muslim communities "with the aim of addressing issues raised by the Muslim community and working together to provide a strategic response."[170] Together, all of these community-based programs have developed a robust, multi-faceted community-based policing model within the MPS.

B.   COUNTERTERRORISM STRATEGY

The United Kingdom, and in particular the London Police Service, took a different direction by fully embracing community policing in its counterterrorism strategy. The United Kingdom's strategy, CONTEST, is organized around four work

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[167] "Police Community Support Officers: The Role of the PCSO," Metropolitan Police, June 2, 2015, https://www.cityoflondon.police.uk/careers/police-community-support-officer/Pages/default.aspx.

[168] "Communities Together," Metropolitan Police, accessed June 4, 2017, http://212.62.21.14/Site/communitiestogether.

[169] Metropolitan Police, "MPS Quality Standards for Engagement," Safer-London, July 2012, 8, http://safer-london.info/resources/MPS+Quality+Standard+for+Community+Engagement.pdf.

[170] "London Muslim Communities Forum," Metropolitan Police, accessed June 4, 2017, https://www.met.police.uk/about-the-met/london-muslim-communities-forum/.

streams: pursue, prevent, protect, and prepare.[171] The "prevent" stream is almost entirely focused on community outreach, cultural awareness, and sensitivity training. "The aim of CONTEST is to reduce the risk to the United Kingdom and its interests overseas from terrorism, so that people can go about their lives freely and with confidence," according to the Home Office.[172] The goal is to stop people from being radicalized into terrorism by educating them and offering "appropriate advice and support."[173] Acknowledging that they cannot "resolve the threats simply by arresting and prosecuting people," much of the strategy centers around collaboration, inclusion, and transparency.[174] A large part of the "prevent" strategy is dedicated to preventing radicalization. To achieve this aim, police must counter the extremists' narratives, and encourage the extremists to open their narratives to debate and dialogue. The integration strategy is based on identifying common ground, shared values, respect, and the ability for upward mobility and empowerment.[175]

An essential part of the strategy requires education and comprehensive cultural awareness training for police. Community outreach and open dialogue must work to challenge ideology, and its purpose is to reach the small number of people vulnerable to radicalization. For CONTEST to work effectively, participating agencies and individual officers must possess solid cultural understanding and encourage close cooperation and coordination with the diverse communities they serve.

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[171] HM Government, *CONTEST—The United Kingdom's Strategy for Countering Terrorism: Annual Report for 2014* (Cm 9048) (London: Williams Lea Group, 2015), https://www.gov.uk/government/publications/contest-uk-strategy-for-countering-terrorism-annual-report-for-2014.

[172] Ibid., 3.

[173] Ibid., 15.

[174] Ibid., 9.

[175] Ibid., 10.

V. CONCLUSION

A. FINDINGS

The research focused on the challenges facing police today with the ever-increasing threat to homeland security. It also examined the role that race has played in policing and the criminal justice system. The research found police legitimacy must remain an important element in building and sustaining trust between police and the communities they serve. Another conclusion drawn was that the use of new technology, including BWCs and social media, increases police transparency and accountability.

Reviewing the evolving eras in policing was crucial to setting the foundation for this thesis. It demonstrated that while the role of police has changed and adapted to social, economic, and political concerns, it has not deviated (nor should it) from the principals of Sir Robert Peel, wherein policing required securing the cooperation of the public. In examining how community policing evolved in the United Kingdom, some commonalities could be drawn with the American approach. The main difference between the approaches is that the United Kingdom has a national plan with a community-based policing strategy that is spearheaded by two significant acts of Parliament. In the decade following the events of September 11, 2001, many police departments in the United States, in particular the NYPD, shifted resources away from grassroots policing and toward the mission of fighting terrorism.

This research found that the United Kingdom was heavily invested in community engagement with its police. This engagement came about mainly from the lessons learned from the violence in the late 1970s and the Brixton riots in the early 1980s. The National Plan had clear and specific requirements for community engagement. The U.K. College of Policing created a set of core standards for how the Kingdom's police forces were to engage and communicate. It included much of what was discussed in the literature review. Public perception and the recognition of police legitimacy should not be underestimated. Having legitimate and fair decision-making processes in place can assist in improving institutional trust. This legitimacy and trust building helps foster greater

social responsibility, resulting in better relationships between the police and the community, in turn making people more likely to respect the law and assist the police.

The United Kingdom's National Plan focuses on identifying neighborhood priorities and concerns, and ensures a collaborative approach to addressing these issues. There is great value in having a published strategy on community engagement, so the public can have confidence in the police's understanding of community needs. The IAGs provide a level of accountability and transparency that should be commended. Police have a responsibility to protect and serve; at times, the service part of the construct gets lost.

The NYPD Counterterrorism Bureau's capabilities are the most robust of any police agency in the world; it is a tremendous show of force when CRC units are deployed to a potential high-profile target. When dozens of marked patrol cars converge on a given location with their turret lights on, thousands of New Yorkers and visitors stop in awe to watch. There is no other police department able to rapidly deploy the number of heavy weapons–trained personnel on any given day to respond to multiple attacks simultaneously. A massive show of force at major infrastructure sites, daily deployments of Hercules, and stationing of intelligence officers in major metropolitan areas across the world are just a few components of an impressively built counterterrorism strategy—a strategy that most likely, due to personnel resources, budget constraints, and technological advancements, could not be matched by any police department in the world.

The NYPD Counterterrorism Bureau shows enormous dedication and commitment in its primary mission to keep New York City safe from another terrorist attack. However, the research has identified some gaps in that mission, namely the lack of community engagement and transparency. The Bureau's Demographics Unit eavesdropped on Muslims in the neighborhoods where they ate, worked, and prayed. This tactic was later challenged in court and found to be unconstitutional. It was disbanded under Commissioner Bratton, who acknowledged that the unit never led to any intelligence indicating credible threats. Disbanding the unit was one of many actions Bratton took in order to heal rifts in the Muslim community.

The research found that implementing certain components of CONTEST could help the NYPD build trust between the minority community and the police. At the core of CONTEST is community involvement and outreach, and it recognizes the potential harm caused when the police are not engaging with the ethnic minority community. The overarching theme throughout this thesis is policing by consent, and for that to be done effectively requires input from citizens, which means empowering the community to become part of the solution to the problems they have identified. How do they want their neighborhood to look? What are their expectations of the police? The CONTEST strategy to pursue, prevent, protect, and prepare is as robust as the NYPD's counterterrorism policy, but it is strengthened by its commitment to engage, communicate, educate, and collaborate.

It is important for the police to be viewed as legitimate. However, much of what shapes this view depends on one's immediate social and physical environment. Extensive debate regarding police legitimacy plays out in the media, so now more than ever it is incumbent on police agencies to tell their stories. There are many ways that police can build a successful counter-narrative, but they must involve all the stakeholders. Improved training in procedural justice, identifying implicit bias, and promoting a diversified police force are some of the measures that can improve legitimacy. Likewise, having independent oversight can improve accountability and transparency.

Another element of this research was to identify gaps and to recommend solutions to affect positive change in the policing of minority communities in New York City. The goal is to have a collaborative approach between the public and the police, where there is shared responsibility for maintaining public safety. The ultimate solution is for the public and police to recognize they are mutually obligated to build community trust through shared responsibility.

B.   RECOMMENDATIONS

The following recommendations are made with the intent to provide solutions that will increase trust between police and the community, specifically in minority communities where trust has been damaged due to overzealous police practices such as "stop, question, and frisk." If implemented, the recommendations will move the NYPD toward a more balanced counterterrorism strategy that actively engages with communities.

(1)   Equip the entire patrol force with BWCs, ensure buy-in by the officers, and create a comprehensive public policy regarding BWC use.

Technology can play a role in enhancing police legitimacy. BWCs will help bring immediate transparency and accountability to the NYPD, and help heal rifts between police and their communities. The cameras can quickly clarify interactions and provide evidence for prosecution. The benefits of using BWCs are numerous, and most of the implementation considerations mentioned can be mitigated. However, it is important for police departments to have a comprehensive policy developed before implementation.

Using feedback from key stakeholders, the NYPD has developed a policy on the use of BWCs for its pilot program. Unfortunately, there is already a class-action lawsuit demanding that recordings be mandated for more types of police–citizen interactions and objecting to the policy of allowing officers to view videos before making official statements while incidents are under investigation. Hopefully, the pilot program provides much-needed methodological data and garners positive feedback from the communities where the BWCs are being deployed. The department should also recognize that this program is an area where the intelligent use of social media can be advantageous for improving police–community relations.

The initial deployment of 1,000 BWCs in a department the size of the NYPD is woefully insufficient, and covers just 5 percent of the patrol force. Once the pilot project is complete, it is recommended that the entire patrol force, approximately 20,000 officers, be issued BWCs. This considerable investment will, in the long run, protect both the

community and the officers by increasing accountability and enhancing transparency and police legitimacy.

(2)   Expand the NYPD's social media footprint.

The NYPD needs to expand its social media footprint in order to enhance transparency and goodwill. Most commands have Twitter accounts, but few use Facebook or other social media platforms. Utilization of NYPD-sponsored community blogs and Facebook, Instagram, and Snapchat accounts would provide a wide array of platforms on which to describe the work police do in the community, request the public's assistance and collaboration, and inform residents of opportunities and services available to them. These forums can be used to send information about crime trends, tips, and current events. They can also be used as a tool to build stronger relationships in the community by providing forums for dialogue and allowing for feedback from the community. By capitalizing on these potential benefits, the NYPD can substantially increase public perception of transparency and engagement.

In addition to traditional press releases following major or controversial incidents, the NYPD can utilize social media to actively promulgate positive stories about everyday police work. Some of these stories can be released in multi-part series, allowing the public to see initiatives and programs develop over time. This publicity will allow the community to see officers as humans, real people like everyone else. The department has begun to dabble with this content on social media and it is recommended that the NYPD formerly prioritize this increased use. A greater focus on the service element of the NYPD narrative cannot only improve public perception, but also provide an avenue for the NYPD to communicate directly with the public, helping build confidence, trust, and understanding. Strategizing content and broadcasting community-based efforts will promote the department's service component, an area that sometimes gets lost in the never-ending effort to protect.

(3)   Create the new position of Muslim coordination officer, assigned to the NYPD Counterterrorism Bureau.

In 2015, the NYPD implemented its Neighborhood-Based Policing model and created the new position of neighborhood coordination officer (NCO). It is recommended that the NYPD emulate the NCO program with the creation of Muslim coordination officers (MCOs). MCOs would be assigned to the department's Counterterrorism Bureau and, as such, would be hand selected and receive specialized training. They would be tasked with promoting general goodwill, dispelling rumors and innuendos, and sharing non-classified intelligence with the city's Muslim communities. Likewise, the MCOs would engage community partners and gain intelligence from the very same communities.

On a day-to-day basis, MCOs would be collaborative problem solvers, interacting with religious institutions, schools, community partners, and the Muslim community at large. They will be entrusted with creating police–community programs and initiatives specifically tailored to the Muslim communities to which they are assigned. The deeper trust enabled by individuals with shared cultural and religious beliefs will help break down barriers that past police practices have created. If implemented properly, the relationships formed between MCOs and the Muslim communities will become an invaluable tool for intelligence gathering and information sharing, and at the same time will create a sense of shared commitment, in turn helping build trust in the police.

(4)   Move toward a more holistic approach to counterterrorism by integrating more elements of community policing into the department's counterterrorism strategy.

The NYPD counterterrorism strategy relies heavily on its ability to display massive "shows of force" and utilize covert surveillance tactics, as opposed to the United Kingdom's, which relies more on community outreach and trust building. Although both omnipresence and traditional intelligence gathering are effective tactics, the NYPD can benefit from a more holistic approach to its counterterrorism strategy, including proactive community engagement, utilizing both NCOs and MCOs to collaborate on problem solving.

It is recommended the NYPD implement more community-based policies to increase communication and empower citizens to participate in prioritizing what is important to them and what services their specific neighborhoods require. NCOs are already encouraged to be proactive and creative in their problem-solving approach to community problems, but a greater emphasis on community engagement is recommended. A greater level of engagement will enable both the public and police to gain a better understanding of the effect of policing on individuals and the communities.

Neighborhood policing, through which the public has an active say in the decision-making process, will help build public engagement. True engagement will lead to greater intelligence gathering and will foster mutual respect, leading to greater public confidence in police and increased job satisfaction for officers. This geographic approach to policing will enable officers to gain a better understanding of the community's needs. Thus, community engagement is paramount to having a robust, proactive counterterrorism strategy. In addition to the aforementioned recommendation to create MCOs, the NYPD should incorporate its NCO program into its counterterrorism strategy.

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